

AUG 21 2006

PTO/SB/64 (07-06)

Approved for use through 09/30/2006 OMB 0651-0031

US Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| | | |
|--|--|---|
| PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.377(b) | | Docket Number (Optional) 60021-379801 |
| First named inventor: Kevin N. Quiring Art Unit: 3621 Application No.: 10/811,367 Examiner: Unassigned Filed: March 26, 2004 Title: ENHANCING INSIGHT-DRIVEN CUSTOMER INTERACTIONS WITH AN OPTIMIZING ENGINE Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 872-8300 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571)272-3282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications, and (4) Statement that the entire delay was unintentional. | | |
| 1. Petition fee <input type="checkbox"/> Small entity fee \$750.00. (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity fee \$1,500.00. (37 CFR 1.17(m)). | | |
| 2. Reply and/or Fee A. The reply and/or fee to the above-noted Office Action in the form of <u>Rescission of Previous Nonpublication Request</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee of \$_____. <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith. | | |

[Page 1 of 2]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officers, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c) subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

OPPENHEIMER WOLFF & DONNELLY LLP

8-21-06
Date

Signature

612.607.7340
Telephone Number

Rudolph P. Hoffmann; Reg. No. 38,187
Typed or printed name(s); Registration No. (is applicable)

45 South Seventh Street, Suite 3300
Minneapolis, MN 55402-1609

ENCLOSURES

- ☐ Fee payment
- ☐ Reply
- ☐ Terminal Disclaimer
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

8-21-06
Date

Janet Byrne
Type or printed name of person signing Certificate

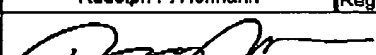
[Page 2 of 2]

OPPENHEIMER: 2448210 v01 08/19/2006

AUG 21 2006

| | | | |
|--|------------|--------------------------|------------------|
| FEE TRANSMITTAL | | <i>Complete if Known</i> | |
| for FY 2006 | | Application Number | 10/811,387 |
| Patent fees are subject to annual revision. | | Filing Date | March 26, 2004 |
| <input type="checkbox"/> Applicant Claims Small Entity | | First Named Inventor | Kevin N. Quiring |
| | | Examiner Name | Unassigned |
| | | Group Art Unit | 3621 |
| TOTAL AMOUNT OF PAYMENT | \$1,500.00 | Attorney Docket No.: | 60021-379801 |

| | | | | | |
|---|----------------------------------|--|-----------------------|--|------------|
| METHOD OF PAYMENT | | FEE CALCULATION (continued) | | | |
| 1. <input checked="" type="checkbox"/> Authorized to charge indicated fees or credit | | 4. ADDITIONAL FEES | | | |
| Deposit Acct No. | 50-1901 | Large Entity Fee Code | Small Entity Fee Code | Fee Description | Fee Paid |
| Name: | Oppenheimer Wolff & Donnelly LLP | 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| | | 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| X Charge Any Add'l Fee Required Under 37 CFR 1.16 and 1.17 | | 1053 130 | 1053 130 | Non-English specification | |
| | | 1812 2,520 | 1812 2,520 | Filing a request for <i>ex parte</i> reexamination | |
| 2. <input type="checkbox"/> Payment Enclosed: | | 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| Check <input type="checkbox"/> Credit <input type="checkbox"/> | | 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| FEE CALCULATION | | 1251 120 | 2251 60 | Extension for reply within first month | |
| 1. BASIC FILING FEE | | 1252 450 | 2252 225 | Extension for reply within second month | |
| Large Fee | Small Fee | Fee description | Fee Paid | | |
| 1000* | 500* | Utility filing fee | | | |
| 430* | 215* | Design filing fee | | | |
| 660* | 330* | Plant filing fee | | | |
| 1400* | 700* | Reissue filing fee | | | |
| 200 | 100 | Provisional filing fee | | | |
| SUBTOTAL (1) | | | \$0.00 | | |
| 2. EXTRA CLAIM FEES | | 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| Extra Claims | Fee | Fee Paid | | | |
| Claims - 20 = | 50/25 | | | | |
| Ind. - 3 = | 200/100 | | | | |
| Claims Multiple Dependent | 360/180 | | | | |
| Large Entity Fee | Small Entity Fee | Fee Description | | | |
| 50 | 25 | Claims in excess of 20 | | | |
| 200 | 100 | Independent claims in excess of 3 | | | |
| 360 | 180 | Multiple dependent claim | | | |
| 200 | 100 | ** Reissue independent claims over original patent | | | |
| 50 | 25 | ** Reissue claims in excess of 20 and over original patent | | | |
| SUBTOTAL (2) | | | \$0.00 | | |
| 3. Application Size Fee (Utility) | | 1460 130 | 1460 130 | Petitions to the Commissioner | |
| If the specification and drawings exceed 100 sheets of paper, the application fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.18(a) | | 1807 130 | 1807 130 | Processing fee under 37 CFR 1.17(a) | |
| SUBTOTAL (3) | | 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| | | 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| | | 1809 790 | 2809 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| | | 1810 790 | 2810 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| | | 1801 790 | 2801 395 | Request for Continued Examination (RCE) | |
| | | 1802 800 | 1802 800 | Request for expedited examination of a design application | |
| | | | | Other fee (specify) | |
| SUBTOTAL (4) | | | | | \$1,500.00 |

| | | | |
|--------------|---|---------------------------------|--------------|
| SUBMITTED BY | | <i>Complete (if applicable)</i> | |
| Name | Rudolph P. Hofmann | Registration No.: | 38,187 |
| Signature |  | Telephone: | 612-807-7340 |
| | | Date: | 8-21-06 |

*Includes: Filing fee + Examination fee + Search fee

** Total Sheets -100 = Extra Sheets /50 = (No. of ea. Additional 50 or fraction thereof) x Fee

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OPPENHEIMER WOLFF & DONNELLY LLP

Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609
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FAX COVER LETTER

August 21, 2006

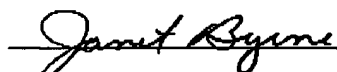
TO: Mail Stop Petition
COMPANY: Commissioner for Patents
PHONE:
FAX: 571.273.8300

FROM: Rudolph P. Hofmann
DIRECT DIAL: (612) 607-7340
EMAIL: RHofmann@oppenheimer.com
RE: U.S. Patent Application No. 10/811,367
Attorney Docket No.: 60021-379801

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following documents are being facsimile transmitted on the date shown below, to Mail Stop Petition, Commissioner for Patents.

1. Transmittal Form
2. Fee Transmittal
3. Petition for Revival of an Application for Patent Abandoned Unintentionally
4. Rescission of Previous Nonpublication Request


Janet Byrne

8-21-06

Date

This facsimile contains confidential information intended only for the use of the addressee(s) named above and may contain information that is legally privileged. If you are not the addressee, or the person responsible for delivering it to the addressee, you are hereby notified that reading, disseminating, distributing or copying this facsimile is strictly prohibited. If you have received this facsimile by mistake, please immediately notify us by telephone and return the original message to us at the address above via the Postal Service (we will reimburse postage). Thank you.

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AUG 21 2006

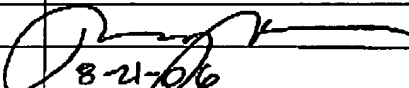
PTO/SB/21 (07-08)


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| | | | |
|---|---|------------------------|------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 10/811,367 |
| | | Filing date | March 26, 2004 |
| | | First Named Inventor | Kevin N. Quiring |
| | | Art Unit | 3821 |
| | | Examiner Name | Unassigned |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 60021-379801 |

| ENCLOSURES (Check all that apply) | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) please identify below: Rescission of Previous Nonpublication Request |
| Remarks: | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED | |
|---|---|
| Name (Print/Type) | Rudolph P. Hofmann |
| Signature |  |
| Date | 8-21-06 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|---|-------|---------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313 on this date: 8-21-06 | | | |
| Typed or printed | Janet Byrne | | |
| Signature |  | Date: | 8-21-06 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.